

**AFFIDAVIT IN SUPPORT OF
APPLICATION FOR SEARCH WARRANTS**

I, John Oliveira, depose and state as follows:

INTRODUCTION AND BACKGROUND

1. I am a Police Officer with the Somerville Police Department and have been so employed since 1997. In 2000, I was assigned to the Detective Bureau of the Somerville Police Department. In June 2008, I was assigned to the FBI Boston Division's Violent Crimes Task Force ("VCTF"), which comprises law enforcement officers from the FBI, Massachusetts State Police ("MSP"), and other local police departments. I have been sworn in as a Special Deputy U.S. Marshal. As a member of the VCTF, I am responsible for investigating kidnappings, murders, robberies, extortion, and other violent crimes. My investigations have included the use of surveillance techniques and the execution of search, seizure, and arrest warrants.
2. I make this affidavit in support of an application for warrants to search the property described in Attachment A for the items described in Attachment B. There is further probable cause to believe that these items are evidence, fruits, and instrumentalities of a robbery affecting commerce committed by JOHN SCHURKO, DOB 8/12/1965 ("SCHURKO"), in violation of 18 U.S.C. § 1951.

SUMMARY OF FACTS

3. On December 12, 2021, at approximately 8:00 p.m., a white male robbed the Harvard Market (the "Market") located at 229 Highland Avenue in Malden, Massachusetts. The Market is a convenience store that purchase some of the items it sells from outside of Massachusetts.

4. A report by the Malden Police Department (“Malden PD”) includes, in part, the following information. At around 8:11 p.m. officers went to the Market in response to a report of an armed robbery. An officer spoke to the victim clerk who said that someone had robbed the store and left. The victim told the police, among other things, that a white male who was about 5'10” and was wearing a black jacket and a ski mask entered the store. The robber pointed a gun at him and then went behind the counter and asked the victim to give him all the money. The victim gave the robber the money in the register and the robber asked the victim to open the three wooden boxes where money is also kept. The victim opened the boxes and gave the robber that money. The robber then asked the victim for the money in the safe and counted to three, telling the victim that if he did not open the safe the robber would shoot him. The victim told the robber he did not have access to the safe but would give him some money he had in his wallet. The victim knelt and begged the robber not to kill him. The robber went back around the counter. The victim offered the robber money he had in his wallet but the robber said he did not want the victim's money. The robber put the money from the register and wooden boxes in his pocket and left the store. The victim estimated that the robber took approximately \$3,000.
5. A Malden PD officer also watched surveillance video of the robbery. In addition to describing the robbery as shown in the video, the officer described in a report what he believed the video depicted regarding the robber’s appearance: a male, approximately 5'10”, who was wearing a blue hat, a black 3/4 zip jacket with a white logo on the chest area, black gloves, a black ski mask, blue jeans, and black and white sneakers. The

officer described the weapon as a black handgun, which the robber took out of his left pocket.

6. On Monday, December 13, 2021, at approximately 10:00 a.m., I spoke with the victim.

The victim told me, in substance and among other things, that he was working behind the cash register when a white male entered the store, immediately brandished a firearm, walked behind the counter and ordered him to give him all of his money. The victim stated that the robber was not a young person and estimated him to be between 45-55 years old. The victim told me that the robber was approximately 5'10" to 6' tall but that he couldn't be sure because he was extremely nervous. The victim also told me, among other things, that the robber took the cash the victim gave him and put it in various pockets, including a rear pants pocket. The victim assisted me in viewing surveillance video of the robbery and provided me with several short clips of the Market's surveillance video. I have seen video of the robber leaving the store with what appears to be cash protruding from his left rear pants pocket, and video from the street showing the same.

7. At this point, I, along with VCTF members MSP Trooper Michael Haines and Malden Detective Robert DiSalvatore, began canvassing the area for additional surveillance video. Task Force members were able to retrieve surveillance video from the Mystic Valley Regional Charter School located directly across the street from the Market, a residential home located on Emerald Street, and a second residential home at the corner of Emerald and Richard Streets. (If one turns left after leaving the Market, the first street one gets to that intersects with Highland Avenue is Emerald Street. If one turns right at that intersection, the first intersection one reaches is Richard Street and Emerald

Street.) After reviewing surveillance video, investigators were able to identify the vehicle the suspect used following the robbery: an older model, white, large SUV, which appeared possibly to be a Chevrolet Denali or Cadillac Escalade. A review of surveillance video from shortly before the robbery during the time leading up to the robbery showed this vehicle circling the area on multiple occasions. The vehicle then parked at the corner of Richard and Emerald Streets until the time of the robbery. The robber returned to this vehicle after the robbery and left the area.

8. I and other members of the VCTF believed that this robber could be the same robber who committed a robbery in Medford, MA in September 2021 and robberies of Market Basket stores in Woburn and Billerica in October 2021. SCHURKO was and remains a suspect in those robberies. As of December 12, 2021, investigators believed SCHURKO was living at 110 Hill Street, Apt. 10, in Stoneham. Part of the basis for that belief was a report that I obtained from the Stoneham Police Department (“Stoneham PD”) concerning a break-in that occurred in a neighboring apartment in that building. The report indicated that on November 23, 2021, an officer responded to the neighboring apartment regarding a report of a possible breaking and entering. The officer spoke with the reporting party, who was standing in the hallway and speaking with SCHURKO, who lived across the hall. The reporting party stated he returned home and observed the door to his apartment ajar. When he looked into the apartment he observed his neighbor, SCHURKO, walking out with a flashlight. SCHURKO said he heard something in the hallway and went to check on it, saw that the door was ajar, and when he knocked and received no answer, went in to make sure his neighbor was okay. The reporting party could not identify anything that was missing but could tell that somebody had been in his

apartment looking through his belongings. The reporting party stated he did not want to press charges against SCHURKO because he was unsure if he was helping or not. He also stated he had to live next door to SCHURKO and it probably was not worth it.

9. On December 12, 2021, investigators seeking additional evidence to connect SCHURKO to the robberies met with building management for 110 Hill Street. We learned the SCHURKO was no longer living there. We learned that sometime after the Stoneham PD officer left on November 23, 2021, the reporting party realized that the flashlight he saw SCHURKO holding belonged to the reporting party and he complained to building management. Management required SCHURKO to leave the building because he was not on the lease, although his girlfriend was.
10. After the Market robbery described above we did not know where SCHURKO was living and we were not able to accurately identify the SUV or get a plate number. During the early morning and into the afternoon of December 14, 2021, VCTF members conducted multiple checks of hotels and motels located in Woburn, Everett, Revere, and Saugus in an attempt to locate a vehicle consistent with the SUV that was used in the robbery. Information was relayed to other Task Force officers who conducted additional hotel checks in the area of Medford, Somerville, Everett, Woburn, Malden, and Saugus. As a result of these hotel checks, a white 2005 GMC Yukon bearing MA registration 3FBH19 (the "Yukon"), was observed in the parking lot of the AC Hilton Hotel, located at 95 Station Landing in Medford. The vehicle is registered to a woman at an address in Billerica, MA.
11. Task Force members made contact with hotel management and, among other things, asked whether SCHURKO was staying there. Hotel personnel told the investigators that

SCHURKO had been staying there since December 6, 2021, and was using a credit card to pay for his room.

12. The Medford Police Department has access to the exterior surveillance cameras and associated surveillance video for Station Landing. Members of the Malden PD checked the cameras for December 12, 2021, starting at 7:00 p.m. Video shows that the Yukon was backed into the parking spots opposite the side entrance door to the hotel. At approximately 7:35 p.m. a white male wearing what appeared to be a black quarter zip pullover, a black neck gaiter pulled down around his neck area, blue jeans, black sneakers with white soles and out soles, and a white baseball cap walked from the hotel and entered the driver's side of the Yukon. The clothing is consistent with that worn by the robber, except that the robber wore a blue bucket hat rather than a baseball cap and was wearing gloves. In addition, the robber had a black neck gaiter covering most of his face while the neck gaiter on the man who entered the Yukon was pulled down around the man's neck. After the man entered the Yukon it travelled on Station Landing, turning left onto Earhart Landing. It then travelled through Wellington Circle onto Middlesex Avenue in Medford. Middlesex Avenue in Medford becomes Highland Avenue when it crosses into Malden. The Market is located on Highland Avenue in Malden.
13. I have viewed the video of the man entering the Yukon as described above. I am familiar with the appearance of SCHURKO and believe this man was SCHURKO.
14. The members of the Malden PD continued to watch the video of the hotel parking lot and observed that the Yukon returned to the hotel parking lot at about 8:15 p.m. The white male that exited the Yukon appeared to be wearing the same clothing as when he got into it earlier: a white baseball cap, blue jeans, a black quarter zip pullover, and black

sneakers with white soles and out soles. Because the pullover was zipped up at this point any neck gaiter he was wearing is not visible. The two additions are that, like the Market robber, he was now wearing black gloves. Also like the robber, the man who got out of the car had protruding from his left rear pants pocket an item or items consistent with cash. He then walked toward the hotel and entered through the side door. This male can then be seen on video walking up the staircase that faces Station Landing, appearing to exit the stairwell onto the third floor.

15. Again, I believe the man depicted in the hotel parking lot video is SCHURKO. I am familiar with the area in which the Hotel and the Market are located. I know that one can drive from the hotel to the Market, or from the Market to the hotel, within approximately five minutes during periods of normal traffic. The third floor of the hotel is where the room SCHURKO was staying is located.
16. Investigators have also viewed surveillance video from inside the hotel. We have seen numerous images of SCHURKO inside the hotel.
17. In addition, I learned today that an FBI Special Agent, Kristin Koch, happened to have met with SCHURKO on an unrelated matter about ten days ago. Special Agent Koch has viewed video of the robber and is 95% sure that it is SCHURKO. Special Agent Koch has also reviewed video of the man leaving and returning to the Hotel parking lot in the Yukon and is certain that it is SCHURKO.
18. SCHURKO checked out of the Hotel today. We were conducting surveillance. As SCHURKO approached the Yukon with a grey duffle bag and a white trash bag, he was placed under arrest for affecting commerce by robbery, in violation of 18 U.S.C. § 1951. He had placed the duffle bag and the garbage bag on the ground adjacent to the Yukon.

After he left the room I and another investigator, with the consent of the Hotel, walked through the room SCHURKO had been staying in and confirmed that he had left nothing behind.

19. Based on the foregoing, there is probable cause to believe that SHURKO robbed the Market on December 12, 2021. There is further probable cause to believe that he is and has been using the Yukon, and in particular that he used it to get to and from the scene of the robbery. Given that he was staying at the hotel at the time of the robbery and hotel management has told us SCHURKO had stayed there continuously through today, and given that SCHURKO left at least some of the items, such as the bucket hat, in the YUKON after the robbery, there is probable cause to believe that evidence, fruits, and instrumentalities of the crime of affecting commerce by robbery, in violation of 18 U.S.C. § 1951, are present in the white 2005 GMC Yukon bearing MA registration 3FBH19, and the duffle bag and white trash bag that SCHURKO brought out to the Yukon as he was in the process of leaving the Hotel, described in Attachment A hereto. Said evidence, fruits, and instrumentalities are more particularly described in Attachment B hereto.

/s/ John Oliveira

John Oliveira
FBI Task Force Officer

Attested to by telephone this 15th day of December, 2021.



Page Kelley

Hon. M. Page Kelley
Chief U.S. Magistrate Judge

ATTACHMENT A

A white 2005 GMC Yukon bearing MA registration 3FBH19, together with a grey duffle bag and a white trash bag recovered from the ground immediately adjacent to said vehicle.

ATTACHMENT B

Items constituting evidence, fruits, or instrumentalities of the robbery of the Harvard Market, 229 Highland Avenue, Malden, Massachusetts, at approximately 8:00 p.m. on December 12, 2021, including but not limited to the following:

1. A black handgun;
2. Ammunition;
3. A bucket hat;
4. A white baseball cap;
5. A black neck gaiter;
6. Blue jeans;
7. Black sneakers with white soles;
8. Cash;
9. A black $\frac{3}{4}$ zip pullover;
10. Black gloves;
11. A key for a 2005 GMC Yukon.